HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 282(S/S)01:
(Old no. 30973/2000)

Jaswant Singh S/o Sri Ratan Singh
R/o Dharanaula, District Almora. ---- Petitioner.

Vs.

1. Commissioner, Kumaon Division, Nainital,
2. Balwant Singh Bhorial,
   Adhyaksh, Zila Panchayat, Bageshwar,
3. Zila Panchayat Almora, through its Adhyaksh,
4. Zila Panchayat Bageshwar, through,
   its Adhyaksh. -----Respondents.

Sri R.S. Sammal, learned counsel for the petitioner,
Ld. Standing Counsel for State /respondent no. 1

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.S. Sammal, learned counsel for the petitioner and learned Standing Counsel for State /respondents.

2. By means of this writ petition, the petitioner, who is a Driver in the District Panchayat Almora, has challenged the transfer order dated 24.06.2000 passed by the Addl. Commissioner, Kumaon Division, Nainital transferring the petitioner from Almora to Bageshwar.

3. The petitioner has submitted that the order of transfer is mala-fide one; and further that the authority, which is empowered to transfer the employees like the petitioner, is the Chairman, Zila Panchayat and the Addl. Commissioner is not empowered to transfer the petitioner.

4. The Allahabad High Court on 27.02.2000 stayed operation of the impugned order dated 24.6.2000 until further orders.

5. Today when the case came up for hearing, learned counsel for the petitioner has submitted that the petitioner is going to be retired on 31st August 2007 and since only one year and four

months are left for his retirement, there is no justification at the moment to dismiss the writ petition on the ground that the same has rendered infurctious by efflux of time.

6. I find force in the submission of the learned counsel for the petitioner.

7. Since the petitioner is going to be retired only after one year and four months, the writ petition is being disposed of with a direction to the respondents to permit the petitioner to continue in the Zila Panchayat, Almora and the petitioner shall not be transferred for the rest of his service period i.e. for one year & four months. The respondents shall permit the petitioner to continue till his retirement i.e. till August 2007.

8. With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 12, 2006:

NCM: